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Filing date: **08/14/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054201
Party	Defendant Sleep Innovations, Inc.
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Date	08/14/2014
Attachments	Registrant's Redacted Second Notice of Reliance.pdf(148133 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DAN FOAM APS)	Cancellation No. 92054201
)	
Petitioner,)	REDACTED EXHIBITS
)	ATTACHED
v.)	
)	
SLEEP INNOVATIONS, INC.,)	
)	
Registrant.)	

REGISTRANT’S SECOND NOTICE OF RELIANCE ATTACHING

CONFIDENTIAL MATERIALS FILED UNDER SEAL

Registrant Sleep Innovations, Inc. (“Registrant”) hereby offers into evidence and makes of record in the above-caption proceeding the documents and materials set forth below.

On November 18, 2013, the parties filed with the Board a Joint Motion for Approval of Stipulation (the “Stipulation”). The Stipulation is Docket Entry No. 49 on the docket of this proceeding. In the Stipulation, the parties agreed that discovery depositions of Dan Setlak, Dave Hochwalt, Sharon Miller, Lisa Thorstenson, and Michael Loomis, or any parts thereof, may be admitted as trial evidence in this proceeding, and the parties further stipulated as to the authenticity of documents produced by the parties during discovery in the proceeding. On January 8, 2014, the Board entered an Order approving the Stipulation. The Order is Docket Entry No. 53 on the docket of this proceeding.

Accordingly, pursuant to the Stipulation and 37 C.F.R. §§ 2.122, 2.120(j)(2) and 2.123(b), Registrant hereby files with this Second Notice of Reliance the following discovery depositions in their entirety:

EXHIBIT	DESCRIPTION AND RELEVANCE	BATES RANGE	PART(S)
Exhibit J	<p>Discovery Deposition of Lisa Thorstenson, with Exhibits 1-42, pursuant to the Stipulation</p> <p>37 C.F.R. § 2.120(j)(2) and 37 C.F.R. § 2.123(b)</p> <p>HIGHLY CONFIDENTIAL-FILED UNDER SEAL</p> <p>Relevant to all topics upon which Ms. Thorstenson provided testimony.</p>	N/A	1
Exhibit K	<p>Discovery Deposition of Dan Setlak, with Exhibits 1-32, pursuant to the Stipulation</p> <p>37 C.F.R. § 2.120(j)(2) and 37 C.F.R. § 2.123(b)</p> <p>HIGHLY CONFIDENTIAL-FILED UNDER SEAL</p> <p>Relevant to all topics upon which Mr. Setlak provided testimony.</p>	N/A	4
Exhibit L	<p>Discovery Deposition of Sharon Miller, with Exhibits 1-15, pursuant to the Stipulation</p> <p>37 C.F.R. § 2.120(j)(2) and 37 C.F.R. § 2.123(b)</p> <p>HIGHLY CONFIDENTIAL-FILED UNDER SEAL</p>	N/A	1

EXHIBIT	DESCRIPTION AND RELEVANCE	BATES RANGE	PART(S)
	Relevant to all topics upon which Ms. Miller provided testimony.		
Exhibit M	<p>Discovery Deposition of Michael Loomis, with Exhibits 1-16, pursuant to the Stipulation</p> <p>37 C.F.R. § 2.120(j)(2) and 37 C.F.R. § 2.123(b)</p> <p>HIGHLY CONFIDENTIAL-FILED UNDER SEAL</p> <p>Relevant to all topics upon which Mr. Loomis provided testimony.</p>	N/A	1

Respectfully submitted,

McCARTER & ENGLISH, LLP



By: _____

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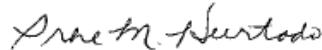
Date: August 14, 2014

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the original of the foregoing REGISTRANT'S SECOND NOTICE OF RELIANCE ATTACHING CONFIDENTIAL MATERIALS FILED UNDER SEAL has been served by electronic mail and overnight mail upon counsel for Petitioner, on August 14, 2014, as follows:

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Irene M. Hurtado

Date: August 14, 2014

**EXHIBIT J TO REGISTRANT'S
SECOND NOTICE OF RELIANCE**

**HIGHLY CONFIDENTIAL MATERIALS
FILED UNDER SEAL**

REDACTED

**EXHIBIT K TO REGISTRANT'S
SECOND NOTICE OF RELIANCE**

**HIGHLY CONFIDENTIAL MATERIALS
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REDACTED

**EXHIBIT L TO REGISTRANT'S
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